

State of Hawaii
DEPARTMENT OF LAND AND NATURAL RESOURCES
Division of Aquatic Resources
Honolulu, Hawaii 96813

July 25, 2008

Board of Land
and Natural Resources
Lihue, Kauai

Request for Approval of Two (2) Special Activity Permits to Ms. Kate Zolezzi, General Manager, Maui Ocean Center, and Designated Assistants to Collect Various Marine Life in Certain State Marine Waters

Submitted herewith for your consideration and approval are two Special Activity Permits as authorized in Section 187A-6, Hawaii Revised Statutes (HRS). Section 187A-6 provides that the Department may issue permits no longer than one year (from date of issue) to any person to take aquatic life, possess or use fishing gear, or engage in any feeding, watching, or other such non-consumptive activity related to aquatic resources otherwise prohibited by law for scientific, educational, management, or propagation purposes, subject also to Chapter 195D and any other restrictions the Department deems desirable.

Such permits are usually sought by University researchers and their students, professional biologists, consultants, aquariums, or public and private school teachers to either collect aquatic life otherwise considered unlawful, or to use gear otherwise considered unlawful, primarily for the purposes of study or education. Ms. Zolezzi, and Maui Ocean Center designated assistants propose to collect various marine species (corals, live rock, invertebrates, aquatic plants, fishes) found within the State. Two permits are being requested: one for the Maui Ocean Center facility and another for an educational display at the Kahului Airport.

The Division of Aquatic Resources has reviewed the application for impact and made recommendations to conserve resources as well as to minimize impacts to those resources. Among other permit provisions, the Division will require an annual report at the end of the permit period to document the efforts of the collections or activities. This permit does not authorize any work in the Northwestern Hawaiian Islands.

These permits do not contain the designated assistants' signatures. If these permits are approved, signatures will be obtained from all designated assistants before submittal to the Chairperson for final approval.

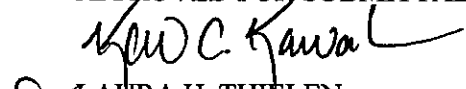
RECOMMENDATION:

"That the Board Approve Two (2) Special Activity Permits to Ms. Kate Zolezzi, General Manager, Maui Ocean Center, and Designated Assistants to Collect Various Marine Life in Certain State Marine Waters."

Respectfully submitted,


DAN POLHEMUS
Administrator

APPROVED FOR SUBMITTAL:


LAURA H. THIELEN
Chairperson

SPECIAL
ACTIVITY PERMIT SAP 2009-01

State of Hawai'i
Department of Land & Natural Resources Issued _____
Division of Aquatic Resources
1151 Punchbowl Street, Room 330
Honolulu, Hawai'i 96813 Expires 07/31/09

The Department of Land and Natural Resources hereby grants permission for certain collection of organisms belonging to the people of Hawai'i under the authority of Section 187A-6, Hawai'i Revised Statutes, and all other applicable laws, to:

Ms. Kate Zolezzi, General Manager (permittee)
Maui Ocean Center 270-7000
192 Maalaea Rd. fax 270-7070
Wailuku HI 96793

This permit is issued with attached conditions to authorize collection and possession of marine flora and fauna, including coral and live rock, for purposes of establishing, maintaining and operating educational displays, for scientific study, and for approved propagation at the Maui Ocean Center (MOC).

This permit, signed by an authorized representative of the Department of Land and Natural Resources (the Department), authorizes the permittee, and assistants designated on the final page(s) of, or attachments to, this permit, to engage in activities otherwise prohibited by law, subject to the conditions, which TAKE, CATCH, POSSESS, TRANSPORT, OR KILL certain aquatic life from waters of the State, as follows:

TYPES	DESCRIPTION	LIMIT	LOCATIONS
Corals	class Anthozoa-- corals (stony, soft, wire, precious), zoanthids, anemones	200 specimens	Waters of the State, except as prohibited by Special Conditions Non-Maui acquisitions require prior approval from DAR

Live Rock	dead coral, rubble, loose rock, with attached aquatic life	100 cubic feet	same
Invertebrate Animals & Aquatic Plants	Various spp.	subject to additional limits per collecting plans	same
Lobster	Various spp.	No more than four each of spiny and slipper lobsters; including up to two females -- but catch and take of egg-bearing lobsters remain prohibited	same
Fishes	per approved collecting plan	subject to additional limits per collecting plans	same
Sea turtles		subject to separate authorizing document (e.g. letter)	same

CONDITIONS

PART I. GENERAL

A. This permit becomes effective when the following process is completed.

1. Each assistant must be listed at the end of this permit.

2. The permittee and each assistant must read the permit completely; and must acknowledge understanding of and agreement to abide by conditions of the permit, by signing *both* copies of the permit in the spaces provided.
 3. *Both* copies of the permit with permittee's and assistants' signatures must be returned to the Division of Aquatic Resources (the Division).
 4. **The permit becomes valid when signed by an authorized representative** of the Department; the Department will return one validated copy to the permittee.
 5. The permittee agrees to notify the Division immediately of any change in assistants. Additional persons may be added as assistants by validation: each must sign an "Attachment" form, which must be returned to the Division for validation; once approved, such persons are added to the permit.
- B. The permittee agrees to obtain written approval of the Division prior to conducting any activity which would be prohibited under the permit (i.e. request in advance changes to permit conditions).
- C. This permit does not make the Board of Land and Natural Resources or State of Hawai'i liable in any way for claim of personal injury or property damage which may result from activity authorized by this permit; the permittee and all assistants agree to hold the Board and State harmless against any and all claims of injury, death or damage resulting from actions or omissions under this permit.
- D. This permit conveys authority **ONLY** of the Department relating to the Division's jurisdiction over aquatic resources: the permittee remains responsible for obtaining all other prior permission from other applicable authorities (such as owners of and tenants upon private lands; other divisions of the Department; other local, State and Federal agencies--this permit authorizes collecting organisms protected by Federal law only with appropriate Federal authorization).
- E. The permittee and also each assistant is individually responsible and accountable for his or her actions while performing activities authorized by this permit; the permittee is additionally responsible and accountable for the actions of each assistant.
- F. This permit is neither transferrable nor assignable to another person.
- G. The permittee or assistant must carry a copy of this permit on location while performing activities authorized by this permit.

- H. Authority granted by this permit ends on the "Expiration Date" on the first page of this permit; within **one month** of the expiration date, the permittee agrees to **return this permit** to the Division **with a Collecting Report completed for the full duration of this permit**, reporting results of *all* collecting under this permit on the form provided with this permit.
- I. The permittee and assistants agree to provide access to data obtained under this permit upon request of the Division, to provide the Division one copy of each report prepared with such data and published for distribution, and to allow Department staff to inspect on permittee's premises organisms collected under this permit.
- J. Violation of any condition of this permit by any person may be cause for immediate revocation of the permit; the person responsible may be subject to penalty as provided by law; violation may be cause also for denial of future permit applications.
- K. The permittee may request change of a condition or conditions of this permit by writing to the Division; if approved by the Department, the Division will issue an attachment ("Amendment") which shall become part of, and amend terms of, this permit. The Department may impose additional conditions to, or restrictions of, this permit by written notice to the permittee.

PART II. **SPECIAL**

1. **GENERAL STATEMENT:** This permit authorizes collecting, transport and possession of marine fishes, invertebrate fauna and flora, expressly including "live rock" (rock and rubble with attached and associated marine life) and live stony coral, subject to the other conditions of this permit.

2. **LOCATIONS:** Collecting activities under this permit is prohibited at the following locations.

<u>ISLAND OF MAUI</u>	<u>ISLAND OF O'AHU</u>	<u>ISLAND OF HAWAI'I</u>
Kahului Harbor FMA ¹	Ala Wai Canal FMA	Hilo Bay FMA
Honolua-Mokuleia MLCD ²	Coconut Island MLR	Kealahakua Bay MLCD
Molokini MLCD	Diamond Head SFMA	Kailua Bay FMA
Ahihi-Kinau NAR ³	Haleiwa Harbor FMA	Kawiahae Harbor FMA
	Hanauma Bay MLCD	Old Kona Airport MLCD
<u>ISLAND OF LANA'I</u>	Heeiea Kea FMA	Lapakahi Bay MLCD
Manele Harbor FMA	Kapalama Canal FMA	Puako Bay & Reef FMA
Manele-Hulopoe MLCD	Paiko Lagoon Wildlife Ref	Waiakea PFA ⁴
<u>ISLAND OF MOLOKA'I</u>	Pupukea MLCD	Wailea Bay MLCD
Kaunakakai Harbor FMA	Waialua Bay FMA	Wailuku River FMA
	Waikiki MLCD	Wailoa River FMA
<u>ISLAND OF KAUAI</u>		Waiopae Tidepools MLCD
Ahukini Pier FMA		West Hawaii Regional Fishery Management Area (comprising 9 Fish Replenshment Areas)
Hanamaulu Bay FMA		
Kapaa Canal FMA		
Waikaena Canal FMA		
Waimea Pier & Bay FMA		

¹ FMA - Fisheries Management Area; ² MLCD - Marine Life Conservation District; ³ NAR - Natural Area Reserve; ⁴ PFA - Public Fishing Area

3. **COLLECTING PRACTICES:** The permittee is responsible for persons engaging in activities under this permit behaving professionally and responsibly, in manner which does not generate conflict with public or private sectors, including fishing and dive-tour industries and local communities.
- a. Collecting activities under authority of this permit must be supervised directly, on site, by John Gorman, James Luecke, or Jeff Hedlund.
 - b. Boats and vehicles used or hired for collecting under this permit be clearly marked with inscription or sign bearing the permittee's affiliation, 'Maui Ocean Center'.
 - c. **Every** trap and net (except for hand-nets) used for collecting under this permit, regardless of mesh-size, must bear a tag or inscription showing the name of the permittee's affiliation, 'Maui Ocean Center', and the number of this permit, 'SAP 2008-101'.
 - d. Except as specified expressly in an approved collecting plan, no organism unlawful for taking or possession by reason of size, under law or administrative rule, may be collected or displayed under this permit.
 - e. The permittee agrees to make good-faith attempt to collect as much live rock and coral as possible from material/specimens which would be lost otherwise, e.g. to construction, dredging, etc.
 - f. The Division may require the permittee to accommodate presence of an observer specified by the Division, and may require the permittee to reimburse cost of the observer to the Department.
4. **COLLECTING PLANS:** Collecting activities authorized under this permit must be approved in advance, by the Division's written approval of a collecting plan for each month, in form specified by the Division.
- a. Each monthly collecting plan must
 - 1) Describe species and quantities intended for collection at specific locations, by specific methods, within specific date-ranges;
 - 2) Be submitted to the Division's Honolulu office and a copy sent to the Division's Maui office (DAR Maui).
 - b. The Division may add conditions specific to particular species, locations, times, or methods proposed in a collecting plan.

- c. Organisms approved for collection in one month but not actually collected, do not remain approved for collection in any subsequent month unless requested and approved again in a collecting plan for the subsequent month.

5. CORAL:

- a. No coral specimen (fragment or colony), except for corals of the taxonomic group Antipatharia ("black" and "wire" corals), may be larger than 30" in maximum linear dimension, and no more than 50 specimens may be larger than 12" in maximum linear dimension, except by explicit, prior approval of a collecting plan;
- b. Coral authorized by prior approval of a collecting plan ("approved specimens") may be collected on no more than 24 days which are neither weekend days nor State or Federal holidays, during the permit period, with prior notice as provided below; except that
- c. To provide for both adequate oversight of coral landings, and to allow and encourage limited collecting of coral encountered unpredictably, in fragments or displaced colonies which would not survive naturally,
 - 1) No more than 50 "opportunity" specimens may be collected without prior approval in a collecting plan (i.e. as result of unpredictable opportunity) , and
 - 2) No more than two "opportunity" specimens may be collected per day.

6. NOTICE:

- a. Collecting generally - the permittee must give notice, in form specified by the Department, to DAR Maui and to the Maui office of the Department's Division of Conservation and Resources Enforcement (DOCARE Maui), at least 2 hours prior to commencement of any collecting activity under this permit.
- b. Collecting coral
 - 1) The permittee must give notice, in form specified by the Department, to DAR Maui and DOCARE Maui, at least 48 hours prior to commencement of collecting "approved specimens" of coral as provided above.
 - 2) The permittee must telephone notice, include coral species, specimen numbers and sizes, to DAR Maui and DOCARE Maui, prior to beginning return to shore from the collecting site, for all coral specimens, whether "approved" or "opportunity specimens" as provided above.

- c. Mass mortality - the permittee must notify DAR Maui within one day of
- 1) Any instance of major outbreak of disease or instance of mass mortality in a display or holding tank,
 - 2) Measure(s) taken to control such disease or cause of mortality, and, as appropriate, to prevent or reduce release of pathogen or cause into ocean waters through the permittee's outfall, and
 - 3) Plan(s) for any additional such control and prevention measure(s).

7. GEAR AND METHODS

Use of any chemical substances pursuant to Section 188-23, Hawai'i Revised Statutes, electrical shocking devices, or explosives remains expressly prohibited; notwithstanding, the permittee may collect only garden eels (*Gorgasia hawaiiensis*); only with table sugar or salt (sodium chloride) or both, dissolved in water; and only with prior approval as part of a collecting plan.

8. **USE OF ORGANISMS:** Organisms and live rock taken from Hawai'i waters under authority of this permit may be used only for display, research or propagation at Maui Ocean Center on Maui, except as authorized by prior written approval of the Division (or as identified in section 12 below):
- a. Organisms collected under authority of this permit may not be used for personal consumption or sale; dead fish may not be carried or otherwise retained during collecting activity, except that mahimahi and ahi, which have died after collection for display, may be retained only to feed organisms on display at MOC and must be included in monthly and annual reports;
 - b. Written approval must be obtained from the Division prior to
 - 1) Purchasing or any other acquisition of regulated organisms (regardless of origin) alive from any other party,
 - 2) Transporting any live organism (regulated or not) between islands,
 - 3) Exchanging or donating any organisms collected under this permit to any other person, party or organization;
 - c. The permittee may not convey in any fashion (including, but not limited to, selling, trading, or giving) any coral or live rock to any person or party in Hawai'i which does not already have a permit from the Department authorizing possession of same;
 - d. Live rock in excess of the 100-cubic-foot limit may be taken only
 - 1) For organisms displayed at MOC to graze on, and
 - 2) From waters no more than 6' deep and within 200 yards of Maalaea Harbor, and

- 3) Provided that such rocks are returned to their original locations, approximately, as soon as needed no longer for grazing, and that
 - 4) Live rock thus collected and returned is included in monthly and annual reports;
- e. Signage approved by the Division must accompany display(s) at MOC, to communicate requirement for special permit to take and possess regulated organisms.
9. **MONTHLY COLLECTING REPORTS:** The permittee must provide to the Division's Honolulu office and to DAR Maui monthly, written reports of collecting activity carried out under this permit:
- a. Each report, in form specified by the Department (e.g. include names of species--or other taxonomic designation acceptable to the Division-- and numbers--or other appropriate quantities--actually taken, names and quantities of organisms purchased or otherwise acquired, location(s), dates and methods of collection, disposition of any specimen(s) not maintained at Maui Ocean center--e.g. discarded on the spot, returned to the ocean, died during collection or in captivity);
 - b. Reports should include names and Commercial Marine License numbers (in lieu of locations) for all organisms purchased live;
 - c. Marine life purchased dead (for use as feed) must be reported separately on the Department's "Fish Dealer's" report form;
 - d. Each monthly collecting report is due at the Division's Honolulu office within five working days after the last day of the month for which it reports.
 - f. Upon request of the Department, the permittee will furnish with any monthly report an inventory of organisms collected under this permit and held at MOC.
10. **PUBLIC COMPENSATION:** In return for this permit allowing special use of resources belonging to the people of Hawai'i, the permittee agrees to provide the following compensation to the public:
- a. The permittee will provide, during each permit period in which Maui Ocean Center accepts any paid admission, at least one hundred free admissions to any combination of 1) Maui County residents and 2) students enrolled in any public or private school or institution of higher learning accredited in the State;

- b. The permittee agrees to employ such students as part-time interns, to average at least five throughout each period Maui Ocean Center accepts any paid admission;
 - c. When feasible, the Department may require the permittee to replenish, restore or improve Maui's reef habitat by providing and planting stock propagated at Maui Ocean Center.
 - d. Where appropriate, and based upon staff availability, MOC agrees to endeavor to assist the Department with resource investigations and assessments when requested, based upon MOC's recognized expertise with habitat and organisms unique to the waters of Maui county.
11. **ANNUAL REPORT:** Upon expiration of the permittee must provide to the Division a final written report summarizing results of collecting activity carried out under this permit:
- a. The final report must describe, in form specified by the Department,
 - 1) Names and total numbers/quantities of all specimens collected under this permit **and** otherwise present at Maui Ocean Center,
 - 2) Their dispositions (e.g. on display; in use for research at Maui Ocean Center; held at Maui Ocean Center for future display/research use; released/returned to the ocean; died; distributed to another party),
 - 3) **Description of compensation services (II.9)** provided during the period;
 - b. An inventory of organisms present at MOC at the end of the report period, in form acceptable to the Division, must accompany the annual report;
 - c. The annual report is due at the Division's Honolulu office within one calendar month after expiration of the permit, and is required prior to any renewal of this permit.
12. **Off-site Education Activities:** Activities that require the movement, display, and/or interpretation of organisms collected and maintained by MOC under this permit are allowed with the following conditions:
- a. MOC will submit to DAR an education plan for approval related to the type of off-site activity to be conducted under the annual permit which will be approved by DAR and listed as an amendment to this permit.
 - b. All organisms used for the activity will be listed on a "Off-Site Educational Organism List" which will be approved by DAR prior to their use, and listed as an amendment to this permit.

- c. Under no circumstances will water or organisms be released to the outside environment during any activity covered off-site. All waters used will be disposed of on MOC property through the normal seawater disposal procedure currently in place.
- d. Off-site activities shall bear a tag or inscription showing the name of the permittee's affiliation, 'Maui Ocean Center', and the number of this permit, 'SAP 2008-101'.
- e. Approved organisms used for off-site education programs shall be collected, maintained, handled and accounted for in the same manner as called for under other conditions listed in this permit. This includes, but is not limited to, requirements for notification and prior approval for collection, maintenance, disposition, mortality and sickness, loss, transfer, and signage.

VALIDATING SIGNATURE

LAURA H. THEILEN, Chairperson

Department of Land and Natural Resources

cc: DLNR Division of Conservation and Resources Enforcement

Special Agent in Charge, US Fish and Wildlife Service Honolulu

ACKNOWLEDGING SIGNATURES

By signature below, I attest that I have read and understand the General and Special Conditions of Scientific Collecting Permit SAP 2008-101 and that, further, I agree to comply with all of these conditions when collecting under authority of this permit.

A handwritten signature in cursive script, appearing to read "Kate Zolezzi", is written over a horizontal line.

Kate Zolezzi

Primary Permittee

Designated Assistants

Sign Type name	Sign Type name
Sign Type or print	Sign Type or print
Sign Type or print	Sign Type or print
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Designated Assistants

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SPECIAL
ACTIVITY PERMIT SAP 2009-02

State of Hawai'i
Department of Land & Natural Resources Issued _____
Division of Aquatic Resources
1151 Punchbowl Street, Room 330
Honolulu, Hawai'i 96813 Expires 07/31/09

The Department of Land and Natural Resources hereby grants permission for certain collection of organisms belonging to the people of Hawai'i under the authority of Section 187A-6, Hawai'i Revised Statutes, and all other applicable laws, to:

Ms. Kate Zolezzi, General Manager (permittee)
Maui Ocean Center 270-7000
192 Maalaea Rd. fax 270-7070
Wailuku HI 96793

This permit is issued with attached conditions to authorize collection and possession of marine flora and fauna, including coral and live rock, for purposes of establishing, maintaining and operating educational displays at the Kahului airport.

This permit, signed by authorized representative of the Department of Land and Natural Resources (the Department), authorizes the permittee, and assistants designated on the final page(s) of, or attachments to, this permit, to engage in activities otherwise prohibited by law, subject to the conditions, which TAKE, CATCH, POSSESS, TRANSPORT, OR KILL certain aquatic life from waters of the State, as follows:

TYPES	DESCRIPTION	LIMIT	LOCATIONS
Corals	<i>Fungia</i> <i>scutaria</i>	4 individual specimens	waters of the State, except as prohibited by Special Conditions;
	<i>Cirrhipathes</i> <i>anguina</i>	8 colonies	
	<i>Leptastrea</i> <i>purpurea</i>	3 colonies ~ 10" x 12"	Non-Maui acquisitions require prior approval from

	<i>Gardinoseris</i> <i>sp.</i>	4 colonies ~ 12" x 12"	DAR
	<i>Tubastraea</i> <i>coccinea</i>	10 colonies	
Live Rock	dead coral, rubble, loose rock, with attached aquatic life	Pieces with combined volume of not more than 30" x 30" x 48"	same
Invertebrate Animals	<i>Sabellastarte</i> <i>sanctijosephi</i>	12 individuals	same
	<i>Lysmata</i> <i>amboinensis</i>	6 individuals	
	<i>Stenopus</i> <i>hispidus</i>	6 individuals	
Fishes	per approved collecting plan and prior discussion with DAR staff	subject to additional limits per collecting plans and prior discussion with DAR staff	same

CONDITIONS

PART I. GENERAL

A. This permit becomes effective when the following process is completed.

1. Each assistant must be listed at the end of this permit.
2. The permittee and each assistant must read the permit completely; and must acknowledge understanding of and agreement to abide by conditions of the permit, by signing *both* copies of the permit in the spaces provided.

3. Both copies of the permit with permittee's and assistants' signatures must be returned to the Division of Aquatic Resources (the Division).
 4. The permit becomes valid when signed by an authorized representative of the Department; the Department will return one validated copy to the permittee.
 5. The permittee agrees to notify the Division immediately of any change in assistants. Additional persons may be added as assistants by validation: each must sign an "Attachment" form, which must be returned to the Division for validation; once approved, such persons are added to the permit.
- B. The permittee agrees to obtain written approval of the Division prior to conducting any activity which would be prohibited under the permit (i.e. request in advance changes to permit conditions).
- C. This permit does not make the Board of Land and Natural Resources or State of Hawai'i liable in any way for claim of personal injury or property damage which may result from activity authorized by this permit; the permittee and all assistants agree to hold the Board and State harmless against any and all claims of injury, death or damage resulting from actions or omissions under this permit.
- D. This permit conveys authority **ONLY** of the Department relating to the Division's jurisdiction over aquatic resources: the permittee remains responsible for obtaining all other prior permission from other applicable authorities (such as owners of and tenants upon private lands; other divisions of the Department; other local, State and Federal agencies--this permit authorizes collecting organisms protected by Federal law only with appropriate Federal authorization).
- E. The permittee and also each assistant is individually responsible and accountable for his or her actions while performing activities authorized by this permit; the permittee is additionally responsible and accountable for the actions of each assistant.
- F. This permit is neither transferrable nor assignable to another person.
- G. The permittee or assistant must carry a copy of this permit on location while performing activities authorized by this permit.
- H. Authority granted by this permit ends on the "Expiration Date" on the first page of this permit; within **one month** of the expiration date, the permittee agrees to **return this permit** to the Division with a **Collecting Report completed for the full duration of this permit**,

reporting results of *all* collecting under this permit on the form provided with this permit.

- I. The permittee and assistants agree to provide access to data obtained under this permit upon request of the Division, to provide the Division one copy of each report prepared with such data and published for distribution, and to allow Department staff to inspect on permittee's premises organisms collected under this permit.
- J. Violation of any condition of this permit by any person may be cause for immediate revocation of the permit; the person responsible may be subject to penalty as provided by law; violation may be cause also for denial of future permit applications.
- K. The permittee may request change of a condition or conditions of this permit by writing to the Division; if approved by the Department, the Division will issue an attachment ("Amendment") which shall become part of, and amend terms of, this permit. The Department may impose additional conditions to, or restrictions of, this permit by written notice to the permittee.

PART II. SPECIAL

- 1. **GENERAL STATEMENT:** This permit authorizes collecting, transport and possession of marine fishes, invertebrate fauna and flora, expressly including "live rock" (rock and rubble with attached and associated marine life) and live stony coral, subject to the other conditions of this permit.

2. **LOCATIONS:** Collecting activities under this permit is prohibited at the following locations.

<u>ISLAND OF MAUI</u>	<u>ISLAND OF O'AHU</u>	<u>ISLAND OF HAWAI'I</u>
Kahului Harbor FMA ¹	Ala Wai Canal FMA	Hilo Bay FMA
Honolua-Mokuleia MLCD ²	Coconut Island MLR	Kealahakua Bay MLCD
Molokini MLCD	Diamond Head SFMA	Kailua Bay FMA
Ahihi-Kinau NAR ³	Haleiwa Harbor FMA	Kawiahae Harbor FMA
	Hanauma Bay MLCD	Old Kona Airport MLCD
<u>ISLAND OF LANA'I</u>	Heeiea Kea FMA	Lapakahi Bay MLCD
Manele Harbor FMA	Kapalama Canal FMA	Puako Bay & Reef FMA
Manele-Hulopoe MLCD	Paiko Lagoon Wildlife Refuge	Waiakea PFA ⁴
	Pupukea MLCD	Wailea Bay MLCD
<u>ISLAND OF MOLOKA'I</u>	Waialua Bay FMA	Wailuku River FMA
Kaunakakai Harbor FMA	Waikiki MLCD	Wailoa River FMA
		Waiopae Tidepools MLCD
<u>ISLAND OF KAUAI</u>		West Hawaii Regional Fishery Management Area (comprising 9 Fish Replenishment Areas)
Ahukini Pier FMA		
Hanamaulu Bay FMA		
Kapaa Canal FMA		
Waikaena Canal FMA		
Waimea Pier & Bay FMA		

¹ FMA - Fisheries Management Area; ² MLCD - Marine Life Conservation District; ³ NAR - Natural Area Reserve; ⁴ PFA - Public Fishing Area

3. **COLLECTING PRACTICES:** The permittee is responsible for persons engaging in activities under this permit behaving professionally and responsibly, in manner which does not generate conflict with public or private sectors, including fishing and dive-tour industries and local communities.
- a. Collecting activities under authority of this permit must be supervised directly, on site, by John Gorman, James Luecke, or Jeff Hedlund.
 - b. Boats and vehicles used or hired for collecting under this permit be clearly marked with inscription or sign bearing the permittee's affiliation, 'Maui Ocean Center'.
 - c. **Every** trap and net (except for hand-nets) used for collecting under this permit, regardless of mesh-size, must bear a tag or inscription showing the name of the permittee's affiliation, 'Maui Ocean Center', and a permit number, either 'SAP 2009-02' or 'SAP 2009-01'.
 - d. Except as specified expressly in an approved collecting plan, no organism unlawful for taking or possession by reason of size, under law or administrative rule, may be collected or displayed under this permit.
 - e. The permittee agrees to make good-faith attempt to collect as much live rock and coral as possible from material/specimens which would be lost otherwise, e.g. to construction, dredging, etc.
 - f. The Division may require the permittee to accommodate presence of an observer specified by the Division, and may require the permittee to reimburse cost of the observer to the Department.
4. **COLLECTING PLANS:** Collecting activities authorized under this permit must be approved in advance, by the Division's written approval of a collecting plan for each month, in form specified by the Division.
- a. Each monthly collecting plan must
 - 1) Describe species and quantities intended for collection at specific locations, by specific methods, within specific date-ranges;
 - 2) Be submitted to the Division's Honolulu office and a copy sent to the Division's Maui office (DAR Maui).
 - b. The Division may add conditions specific to particular species, locations, times, or methods proposed in a collecting plan.

- c. A collecting plan for the airport facility may (but is not required to) be combined with a monthly collecting plan for the permittee's main facility (Maui Ocean Center, or MOC), provided that the organisms to be collected for the airport display are distinguished in the plan from those to be collected for the MOC facility.
 - d. Collection of undersized, out-of-season, etc. specimens that would otherwise be illegal will be highlighted on the collecting plan
5. **CORAL LIMITATIONS:** Collecting coral specimens under this permit (I.e. For the airport facility) may (but are not required to) be collected together with corals collected under SAP 2009-01 for the MOC facility:
- a. Number of coral specimens collected under this permit shall not count toward the limit of total number of specimens allowed for the MOC facility under SAP 2009-02, however
 - b. Days on which coral specimens are collected under this permit *shall* count as part of the limit of coral collecting days under SAP 2009-01, subject to the same provisions for collecting specimens of opportunity (no more than two opportunity specimens per day, notice as below).
6. **FISH/INVERTEBRATES (NON-CORAL):**
- a. To provide for both adequate oversight of fish/invertebrate landings, and to allow and encourage limited collecting of organisms encountered unpredictably,
 - 1) No more than 5 "opportunity" specimens may be collected without prior approval in a collecting plan (i.e. as result of unpredictable opportunity), and
 - 2) No more than 2 "opportunity" specimens may be collected per trip.
7. **NOTICE:**
- a. Collecting generally - the permittee must give notice, in form specified by the Department, to DAR Maui *and* to the Maui office of the Department's Division of Conservation and Resources Enforcement (DOCARE Maui), at least 2 hours prior to commencement of any collecting activity under this permit.
 - b. Collecting coral (the purposes of this requirement are to provide for both adequate oversight of coral landings, and to allow and encourage limited collecting of coral encountered unpredictably, in

fragments or colonies displaced from situations in which they would survive naturally)

- 1) The permittee must give notice, in form specified by the Department, to DAR Maui and DOCARE Maui, at least 48 hours prior to commencement of collecting coral subject to the coral-collecting-day limit of SAP 2009-02.
- 2) The permittee must telephone notice, include coral species, specimen numbers and sizes, to DAR Maui and DOCARE Maui, prior to beginning return to shore from the collecting site, for all coral specimens, whether "approved" or "opportunity specimens" as provided above.

c. Mass mortality - the permittee must notify DAR Maui within one day of

- 1) Any instance of major outbreak of disease or instance of mass mortality in a display or holding tank,
- 2) Measure(s) taken to control such disease or cause of mortality, and, as appropriate, to prevent or reduce release of pathogen or cause into ocean waters through the permittee's outfall, and
- 3) Plan(s) for any additional such control and prevention measure(s).

8. GEAR AND METHODS

Use of any chemical substances pursuant to Section 188-23, Hawai'i Revised Statutes, **electrical shocking devices, or explosives remains expressly prohibited.**

9. **USE OF ORGANISMS:** Organisms and live rock taken from Hawai'i waters under authority of this permit may be used only for display at the Kahului Airport on Maui, except as authorized by prior written approval of the Division:

- a. Organisms collected under authority of this permit may not be used for personal consumption or sale; dead fish may not be carried or otherwise retained during collecting activity;
- b. Written approval must be obtained from the Division prior to
 - 1) Purchasing or any other acquisition of regulated organisms (regardless of origin) alive from any other party,
 - 2) Transporting any live organism (regulated or not) between islands,
 - 3) Exchanging or donating any organisms collected under this permit to any other person, party or organization;
- c. The permittee may not convey in any fashion (including, but not limited to, selling, trading, or giving) any coral or live rock to any person or party in Hawai'i which does not already have a permit from the Department authorizing possession of same;

- d. Live rock may be taken for organisms displayed at the facility to graze on, only
 - 1) From waters no more than 6' deep and within 200 yards of Maalaea Harbor, and
 - 2) Provided that such rocks are returned to their original locations, approximately, as soon as needed no longer for grazing, and that
 - 3) Live rock thus collected and returned is included in monthly and annual reports;
 - e. Signage, approved in advance by the Division, must accompany display(s) at the Kahului Airport, to communicate requirement for special permit to take and possess regulated organisms.
10. **MONTHLY COLLECTING REPORTS:** The permittee must provide to the Division's Honolulu office and to DAR Maui monthly, written reports of collecting activity carried out under this permit:
- a. Each report, in form specified by the Department (e.g. include names of species--or other taxonomic designation acceptable to the Division-- and numbers--or other appropriate quantities--actually taken, names and quantities of organisms purchased or otherwise acquired, location(s), dates and methods of collection, disposition of any specimen(s) not maintained at the facility--e.g. discarded on the spot, returned to the ocean, died during collection or in captivity);
 - b. Reports should include names and Commercial Marine License numbers (in lieu of locations) for all organisms purchased live;
 - c. Marine life purchased dead (for use as feed) must be reported separately on the Department's "Fish Dealer's" report form;
 - d. Each monthly collecting report is due at the Division's Honolulu office within five working days after the last day of the month for which it reports.
 - f. Upon request of the Department, the permittee will furnish with any monthly report an inventory of organisms collected under this permit and held at the Kahului Airport facility.
11. **ANNUAL REPORT:** Upon expiration of the permittee must provide to the Division a final written report summarizing results of collecting activity carried out under this permit:
- a. The annual report for the Kahului Airport facility may (but is not required to) be combined with the annual report under SAP 2006-19 for MOC, provided that the organisms collected for the airport are distinguished in the report from those collected for MOC.

- b. The final report must describe, in form specified by the Department,
 - 1) Names and total numbers/quantities of all specimens collected under this permit and otherwise present at the Kahului Airport facility,
 - 2) Their dispositions (e.g. on display; held at Maui Ocean Center for future display at airport facility; released/returned to the ocean; died),
 - 3) **Description of any additional benefits** beyond the display (e.g. Free admissions to MOC, hire of students, etc.) provided to the public during the period;
- b. An inventory of organisms present at the facility at the end of the report period, in form acceptable to the Division, must accompany the annual report;
- c. **The annual report is due at the Division's Honolulu office within one calendar month after expiration of the permit, and is required prior to any renewal of this permit.**

VALIDATING SIGNATURE

LAURA H. THIELEN, Chairperson

Department of Land and Natural Resources

cc: DLNR Division of Conservation and Resources Enforcement
Special Agent in Charge, US Fish and Wildlife Service Honolulu

ACKNOWLEDGING SIGNATURES

By signature below, I attest that I have read and understand the General and Special Conditions of Scientific Collecting Permit SAP 2009-02 and that, further, I agree to comply with all of these conditions when collecting under authority of this permit.

A handwritten signature in cursive script, appearing to read "Kate Zolezzi", is written over a horizontal line.

Kate Zolezzi

Primary Permittee

Designated Assistants

Sign Type name	Sign Type name
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Designated Assistants

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